UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/773,257	TOLIS ET AL.
	Examiner	Art Unit	
	Janice A. Mooneyham	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 February 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This is in response to the applicant's communication filed on February 14, 2005,

wherein:

Claims 1-26 are pending;

Claims 1, 5-7 and 16 have been amended.

Response to Amendment

2.   The applicant has amended claim 7. Therefore, the rejection under 35 U.S. C.

112, first paragraph as to claims 7-26 is hereby withdrawn.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims 1, 6 and 7-26 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Claim 1 are rejected under 35 U.S.C. 101 under MPEP section 2105.

MPEP Section 2105 states:

If the broadest reasonable interpretation of the claimed invention as a whole encompasses a human being, then a rejection under 35 U.S.C. 101 must be made indicating that the claimed invention is directed to nonstatutory subject matter. Furthermore, the claimed invention must be examined with regard to all issues pertinent to patentability, and any applicable rejections under 35 U.S.C. 102, 103, or 112 must also be made.

4.   Claims 1 and 6 identify an individual service provider and a central reservation

provider using computer software to make a reservation. When these terms are given

the broadest reasonable interpretation, this could encompass a human being.

5.   Claim 7 is directed to a system comprising computer readable instructions. For

this to be statutory, the applicant would need to amend to "computer readable

instructions that when executed on a computer cause a processor..."

Claims 8-26 depend on Claim 7.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

6.   Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

7.   Claim 1 is directed to a computerized system. However, the applicant has not

claimed any computer structure. The applicant claims individual service providers and

central reservation providers using software to make reservations. The term "link for

communicating" could be a telephone. Claim 2-6 depend on Claim 1.

8.   In claim 1, the applicant claims the "link" is activated. Generally, a link is for

transmission. There is usually something in the local and central terminals that actually

would be activated and which would grab the inventory and transfer the inventory and

install the inventory into the second terminal. The applicant has failed to claim all of the

elements necessary to make the system. Claims 2-6 depend on Claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9.   Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Mankes

(US 6,477, 503) (hereinafter referred to as Mankes).

Referring to Claim 1:

Mankes disclosesa system for making customer reservations (Fig. 8), the

system comprising:

one individual service provider using computer software through which

reservations for the respective individual service providers may be made directly

(event owner, Figs. 1, 3, 8, and 12);

a central reservation provider using computer software through which

reservations for the at least one individual service provider may be made (ARS,

Fig. 1 (16); and

a link for communicating between the central reservation provider and the

respective individual service providers, wherein a first portion of the available

reservations from each individual service provider are held by the central

reservation provider and a second portion of the available reservations from each

individual service provider are held by each respective individual service provider

and, if a reservation requested from either the central reservation provider or an

individual service provider is not available from that provider, the link is activated

and available reservations are transferred from the other of the central

reservation provider or the individual service provider to the central reservation

provider or the individual service provider via the means for communicating so as

to allow a reservation to be made (Figs. 1, 2, col. 2, line 65 thru col. 3, line 42,

col. 4, lines 23-61, col. 6, lines 30-33 the present system accommodates ongoing

revision in response to local and remote conditions).

Referring to Claim 2:

Mankes discloses a reservation system wherein the central reservation

provider is an Internet booking service (Fig. 1 (24), Col. 4, lines 35-48).

Referring to Claim 3:

Mankes discloses a reservation system wherein the individual service

provider uses computer software for communicating automatically with the

Internet booking service (Figs. 1, 4, col. 4, lines 35-48, col. 5, lines 9-25).

Referring to Claim 4:

Mankes discloses a reservation system wherein the reservation system is installed over a local area network (col. 3, lines 20-29).

Referring to Claim 5:

Mankes discloses a reservation system wherein the system comprises means for automatically activating the means for communicating between the central reservation provider and individual service providers at regular intervals to transfer available reservations between the providers if the distribution of the available reservations between the providers is out of balance (Fig. 2, Fig. 7, col. 6, lines 4-44, col. 7, lines 47-67).

10.   Claims 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Glazer et al (US 2002/0032588) (hereinafter referred to as Glazer).

Referring to Claim 7:

Glazer discloses a reservation system for reserving one of a plurality of items, the system comprising computer executable software for dividing the time period of availability of each item into consecutive blocks of a predetermined duration so as to provide a plurality of sets of said consecutive block, representing the total availability of items within the time periods wherein the system accepts a reservation request if at least one consecutive block is available for each part of the time period for which the reservation is required

such that blocks relating to more than one of the items may be combined to provide the reservation (Fig. 2, page 1 [0012], page 2 [0016], page 4 [0027]).

Referring to Claim 8:

Glazer discloses a reservation system further comprising:

a database for storing data defining the numbers and types of items available for reservation together with details or any reservations made (page 2 [0014]; and

means for calculating the number of available blocks using the data from the database each time that a reservation is requested (page 2 [0014][0016], Fig. 2).

Referring to Claim 9:

Glazer discloses a reservation system wherein the system is for reserving a plurality types of item and the blocks are tagged to indicate the type of item to which they refer (page 1 [0008], page 2 [0014-0016], page 3 [0019].

Referring to Claim 10:

Glazer discloses a reservation system wherein a reservation is only made if at least one consecutive block relating to the type of item required is available for each consecutive part of the time period for which the reservation is required (page 1 [0008], page 2 [0014-0016], Fig. 2).

Referring to Claim 11:

Glazer discloses a reservation system wherein the system is for making restaurant reservations and the blocks are of 15 minute duration (Fig. 2, page 1 [0008], page 2 [0014-0016], page 4 [0027]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mankes as applied to claim 1 above, and further in view of Rapp et al (US 2002/0116232) (hereinafter referred to as Rapp).

Mankes discloses the system of claim 1. Mankes does not discloses a reservation system further comprising the service providers allowing a reservation to be made for a plurality of items from available reservations, in which the time period of availability of each item is divided into consecutive blocks of a predetermined duration so as to provide a plurality of sets of said consecutive blocks representing the total availability of the plurality of items within the time period, wherein reservation request is accepted if at least one consecutive block is available for each part of the time period for which the

reservation is required such that blocks relating to more than one of the items may be combined to provide the reservation.

However, Rapp discloses a reservation system further comprising means for reserving one of a plurality of items from available reservations, in which the time period of availability of each item is divided into consecutive blocks of a predetermined duration so as to provide a plurality of sets of said consecutive blocks representing the total availability of items within the time period, wherein the system accepts reservation request if at least one consecutive block is available for each part of the time period for which the reservation is required such that blocks relating to more than one of the items may be combined to provide the reservation (Figs. 5-6, 12-15).

It would have been obvious to one of ordinary skill in the art to incorporate into the teachings of Mankes the disclosure of Rapp since the interactive scheduling system and method of Rapp allow vendors (restaurants) to manage their appointment books (reservations) in a convenient and cost-effective approach.

12.   Claims 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glazer.

Referring to Claim 12:

Glazer discloses a scheduling system which allows for changing

parameters from the sponsoring organization such as changes in available

resources or personal and wherein the system allows for the sponsoring

organization to supply the parameters ([page 2[0014-0016] and pages 2-3 [0017-

0018]).

Although Glazer does not explicitly disclose a reservation system wherein

the system includes means for handling a fixed location reservation such that

when a fixed location reservation is requested a set of consecutive unoccupied

blocks corresponding to the type of item for which the reservation is requested

and covering the entire time period available for reservations are designated as

fixed location blocks. the blocks corresponding to the reservation time period

requested are designated as being occupied and the remaining designated fixed

location blocks may not be combined with blocks other than the said fixed

location blocks to form a reservation, it would have been obvious to one of

ordinary skill in the art to re-engineer the infrastructure of Glazer to re-engineer

the system so that the remaining designated fixed location blocks may not be

combined with blocks other than the fixed location blocks to form a reservation

since the system the system is able to be used by many different and varying

sponsoring organizations, including restaurants, and each organizations has

different parameters and any appointment scheduled and generally affect the

parameters for remaining customers.

Referring to Claim 13:

Glazer discloses a reservation system wherein if consecutive unoccupied

blocks corresponding to the type of item for which the reservation is requested

and covering the entire time period available for reservations are not present, the

system preferably alerts a user to the fact that it is possible that not all of the

reservations made by the system honored if the fixed location reservation is

accepted (pages 3 –4 [0024]).

Referring to Claim 14:

Glazer discloses a reservation system wherein the system includes:

means for handling a fixed location reservation comprising means for

checking whether any other fixed location reservation for items of the type

requested have been made when a fixed location reservation is requested (page

2 [0014-0016];

means for selecting consecutive unoccupied blocks corresponding to the

type of item for which the reservation is requested and covering the entire time

period available for reservation (Fig. 2, page 2 [0014-0016]); and

means for designating the selected blocks corresponding to the

reservation time period requested as being occupied (Fig. 2)

Glazer does not explicitly discloses wherein if no other fixed location

reservation for items of the type requested have been made, the selected blocks

which precede the reservation time period are designated as fixed location

blocks which may not be combined with other blocks to form a reservation and

the selected blocks coming after the reservation time period are retained as

fungible or combinable blocks.

Glazer discloses a scheduling system which allows for changing

parameters from the sponsoring organization such as changes in available

resources or personal and wherein the system allows for the sponsoring

organization to supply the parameters ([page 2[0014-0016] and pages 2-3 [0017-

0018]).

It would have been obvious to one of ordinary skill in the art to re-engineer

the infrastructure of Glazer so that the selected blocks which precede the

reservation time period are designated as fixed location blocks which may not be

combined with other blocks to form a reservation and the selected blocks coming

after the reservation time period are retained as fungible or combinable blocks

since the system of Glazer is able to be used by many different and varying

sponsoring organizations, including restaurants, and each organizations has

different parameters and any appointment scheduled and generally affect the

parameters for remaining customers and Glazer allows for changing the

parameters.

Referring to Claims 16:

Glazer discloses a reservation system wherein the system includes means

for handling a fixed location reservation comprising:

means for checking whether any other fixed location reservations for items of the type requested have been made when a fixed location reservation is requested (Fig. 2, page 2 [0014-0016]);

means for selecting consecutive unoccupied blocks corresponding to the type of item for which the reservation is requested and covering the entire time period available for reservations (Fig. 2); and

means for designating the selected blocks corresponding to the reservation time period requested as being occupied and a buffer period (Fig. 2).

Glazer does not explicitly disclose wherein if no other fixed location reservations for items of the type requested have been made the selected blocks which precede the reservation time period and any buffer period which the service provider chooses to add before the reservation period are retained as fungible or combinable blocks, and the selected blocks coming after the reservation time period are designated as fixed location blocks which may not be combined with other blocks to form a reservation.

However, Glazer discloses a scheduling system which allows for changing parameters from the sponsoring organization such as changes in available resources or personal and wherein the system allows for the sponsoring organization to supply the parameters ([page 2[0014-0016] and pages 2-3 [0017-0018]).

It would have been obvious to one of ordinary skill in the art to re-engineer the infrastructure of Glazer to a system that wherein if no other fixed location

reservations for items of the type requested have been made the selected blocks

which precede the reservation time period and any buffer period which the

service provider chooses to add before the reservation period are retained as

fungible or combinable blocks, and the selected blocks coming after the

reservation time period are designated as fixed location blocks which may not be

combined with other blocks to form a reservation since the system of Glazer is

able to be used by many different and varying sponsoring organizations,

including restaurants, and each organizations has different parameters and any

appointment scheduled and generally affect the parameters for remaining

customers and Glazer allows for changing the parameters.

Referring to Claims 15 and 17:

Glazer does not explicitly discloses the reservation system of claims 14 or

16 wherein the system further comprises means for identifying the latest block in

time to have been designated as a fixed location block such that when the

system determines that other fixed location reservations for items of the type

requested have been made the selected blocks which precede the latest block to

be designated as a fixed location block are designated as fixed location blocks

which may not be combined with other blocks to form a reservation and the

selected blocks coming after the last block to be designated as a fixed location

block are retained in the system as fungible or combinable blocks.

However, Glazer discloses a scheduling system which allows for changing

parameters from the sponsoring organization such as changes in available

resources or personal and wherein the system allows for the sponsoring

organization to supply the parameters ([page 2[0014-0016] and pages 2-3 [0017-

0018]).

It would have been obvious to one of ordinary skill in the art to re-engineer

the infrastructure of Glazer so that the system identifies the latest block in time to

have been designated as a fixed location, such that when the system determines

that other fixed location reservations for items of the type requested have been

made, the selected blocks which precede the latest block are designated as fixed

location blocks which may not be combined with other blocks to form a

reservation and the blocks coming after the last block to be designated are

retained in the system as fungible or combinable blocks since the system of

Glazer is able to be used by many different and varying sponsoring

organizations, including restaurants, and each organizations has different

parameters and any appointment scheduled and generally affect the parameters

for remaining customers and Glazer allows for changing the parameters.

Referring to Claim 18:

Glazer discloses a reservation system wherein the system includes:

means for handling a fixed location reservation comprising (Fig. 2, page 2

[0014-0016]):

means for selecting consecutive unoccupied blocks corresponding to the

type of item for which the reservation is requested and covering the entire time

period available for reservations (Fig. 2);

means for identifying the earliest block in time to have been designated as

a fixed location block (Fig. 2);

means for identifying the latest block in time to have been designated as a

fixed location block (Fig. 2); and

means for designating the selected blocks corresponding to the

reservation time period requested as being occupied (Fig. 2)

Glazer does not explicitly disclose wherein the system designates the

blocks which come after the earliest block to be designated and the blocks which

precede the latest block to be designated as fixed location blocks which may not

be combined with other blocks to form a reservation, and wherein any remaining

blocks from the selected blocks are retained as fungible or combinable blocks.

However, Glazer discloses a scheduling system which allows for changing

parameters from the sponsoring organization such as changes in available

resources or personal and wherein the system allows for the sponsoring

organization to supply the parameters ([page 2[0014-0016] and pages 2-3 [0017-

0018]).

It would have been obvious to one of ordinary skill in the art to re-engineer

the infrastructure of Glazer to a system wherein the system designates the

blocks which come after the earliest block to be designated and the blocks which

precede the latest block to be designated as fixed location blocks which may not

be combined with other blocks to form a reservation, and wherein any remaining

blocks from the selected blocks are retained as fungible or combinable blocks

since the system of Glazer is able to be used by many different and varying

sponsoring organizations, including restaurants, and each organizations has

different parameters and any appointment scheduled and generally affect the

parameters for remaining customers and Glazer allows for changing the

parameters.

Referring to Claim 19:

Glazer discloses a reservation system further comprising:

means for handling a fixed location reservation comprising means for

checking whether any other fixed location reservations for items of the type

requested have been made when a fixed location reservation is requested (Fig.

2, page 2 [0014-0016]);

means for selecting consecutive unoccupied blocks corresponding to the

type of item for which the reservation is requested and covering the entire time

period available for reservations (Fig. 2);

means for designating the selected blocks corresponding to the

reservation time period requested as being occupied (Fig. 2);

means for identifying the latest block in time to have bean designated as a

fixed location block across all reservations (Fig. 2); and

means for identifying the earliest block in time to have been designated as

a fixed location block across all reservations (Fig. 2).

Glazer does not explicitly disclose a means for treating each of the

separate fixed location reservations in any one of the following ways in order to

maximize the number of fungible or combinable blocks available within the database at any time:

i) designating the selected blocks which precede the latest block as fixed location blocks which may not be combined with other blocks to form a reservation and designating the selected blocks coming after the last block as fungible or combinable blocks; or

it) designating the selected blocks which come after the earliest block to be designated as a fixed location block as fixed location blocks which may not be combined with other blocks to form a reservation and designating the selected blocks coming before the earliest block to be designated as a fixed location block as fungible or combinable blocks which are retained; or

iii) designating the blocks which come between the earliest block and the latest block as fixed location blocks which may not be combined with other blocks to form a reservation, and designating any remaining blocks from the selected blocks as fungible or combinable blocks which are retained;

iv) designating all the selected blocks as fixed location blocks which may not be combined with other blocks to form a reservation,

wherein the way in which each separate fixed location reservation is treated may be altered each time that a new reservation is made, and the latest block and earliest block are re-identified each time that a new reservation is made or that the way in which any fixed location reservation is treated is altered.

However, Glazer discloses a scheduling system which allows for changing

parameters from the sponsoring organization such as changes in available

resources or personal and wherein the system allows for the sponsoring

organization to supply the parameters ([page 2[0014-0016] and pages 2-3 [0017-

0018]).

It would have been obvious to one of ordinary skill in the art to re-engineer

the infrastructure of Glazer to a system as described above since the system of

Glazer is able to be used by many different and varying sponsoring

organizations, including restaurants, and each organizations has different

parameters and any appointment scheduled and generally affect the parameters

for remaining customers and Glazer allows for changing the parameters.

Referring to Claims 21 and 22:

Glazer discloses a reservation system further comprising means for

handling at least two fixed location reservations for the same item in which the at

least two reservations are treated as a single reservation (page 2 [0015]) and a

reservation system further comprising means to split the dining session into two

separate sessions such that, if at any time every block representing a reservation

has been reserved, the session may be split into a first session up to and/or

including that time and a second session including and/or from after that time in

order to further maximize the number of fungible or combinable blocks available

within the system at any time (Fig. 2, page 2 [0014-0016], page 3 [0018], page 4

[0027]).

13.   Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Glazer as applied to claim 7 above, and further in view of Mankes.

Referring to Claim 22:

Glazer discloses the system of Claim 7:

        Glazer does not explicitly disclose a reservation system wherein blocks or

sets of blocks of predetermined duration representing items available for

reservation from an individual service provider are distributed between a central

reservation provider and the individual service provider such that reservations

may be made through either of the individual service provider or the central

reservation provider.

        However, Mankes discloses a reservation system wherein blocks or sets

of blocks of predetermined duration representing items available for reservation

from an individual service provider are distributed between a central reservation

provider and the individual service provider such that reservations may be made

through either of the individual service provider or the central reservation provider

(Fig. 1).

        It would have been obvious to one of ordinary skill in the art to incorporate

into the disclosure of Glazer the teachings of Mankes so that event vendors are

allowed to maintain their current reservation practices and control their inventory

while providing access to their inventory by anyone with Internet access.

Referring to Claim 23:

Mankes discloses a reservation system further comprising means for communicating between the central reservation provider and the individual service provider wherein if a reservation requested from either the central reservation provider or the individual service provider is not available from that provider, available blocks or sets of blocks are transferred from the other of the central reservation provider or the individual service provider to the central reservation provider or the individual service provider via the means for communicating so as to allow a reservation to be made (Figs. 1,2, col. 2, line 65 thru col. 3, line 42, col. 4, lines 23-61, col. 6, lines 4-32).

Referring to Claim 24:

Mankes discloses a reservation system further comprising means for communicating between the central reservation provider and the individual service provider, wherein if the number of blocks or sets of blocks held by either the central reservation provider or the individual service provider falls below a predetermined minimum level at any time, available blocks are transferred from the other of the central reservation provider or the individual service provider to the central reservation provider or the individual service provider via the means for communicating (Figs. 1,2, col. 2, line 65 thru col. 3, line 42, col. 4, lines 23-61, col. 6, lines 4-32).

Referring to Claim 25:

Mankes discloses. A reservation system wherein the system is configured such that fixed location reservations may only be made through the individual service provider (col. 3, lines 52-56)

Referring to Claim 26:

Glazer discloses a reservation system wherein if the blocks required to make a fixed location reservation are not available from the central reservation provider or the individual service provider, the system alerts a user to the fact that it is possible that not all the reservations will be honored if the fixed location reservation is accepted (pages 3-4 [0024]).

Response to Arguments

14.   Applicant's arguments filed February 24, 2005 have been fully considered but they are not persuasive.

1. Applicant argues that applicant's claim 1 recites a communication link between the central reservation provider and one or more respective service providers that is activated when a reservation requested from either the central reservation provider or the individual service provider is not available and that the reservation is then transferred.

The applicant distinguishes his invention from Mankes stating that Mankes must communicate with the local server to receive confirmation availability and that reservations are only made thru the local server.

First, claims must be given their broadest reasonable interpretation consistent with the supporting description without reading limitations into the claims. As stated in the 112 rejection, the term communication link could be a telephone line and the providers could be communicating via a telephone. Secondly, the applicant states that the system *comprises* a link that is activated when there are no available reservations at one of the providers and the reservations are transferred. This does not preclude a system that is activated at other times. The applicant has not provided the necessary claim language to be able to limit the invention to one in which communication is activated *only* when there are no available reservations.

2. As for the applicant argument as to Rapp, the Examiner did not cite Rapp for the communication link but rather as a teaching of a reservation system which discloses consecutive blocks of a predetermined duration.

3. As for applicant's argument regarding Glazer, the Examiner respectfully disagrees. Glazer teaches consecutive blocks of predetermined duration wherein the system accepts the reservation if at least one time consecutive block is available. It is the Examiner's position that applicant's reservation blocks could be available appointment time blocks.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
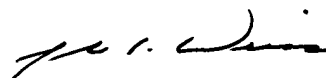
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

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